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Douglas Shire Council

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Attention:

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Dear Mayor, Councillors and CEO

DOUGLAS SHIRE FORESHORE MANAGEMENT

DSSG makes the following comments regarding Council's proposed Foreshore Management Plans

Overall policy/ position

DSSG appreciates Council's plan to focus resources on management of some of the Shire's foreshore areas.

While acknowledging that the coastal area of Douglas Shire comprises several different landscape features, we are of the view that an overall foreshore management plan is appropriate and necessary. An overall plan would create the framework and include the general principles of foreshore management. The overall plan could then be complemented by individual specific beach plans, where different environmental issues, for example, could be canvassed.

The key features of an overall management plan would include strategies for:

- Protection and regeneration of the Littoral Forest
- Protection of fauna and flora, particularly those identified as endangered or threatened.
- Appropriate infrastructure including access
- Protection of the foreshore areas for resident amenity and quiet enjoyment
- Weed and domestic animal control

- Public Education including signage
- Enforcement policy

The overall management plan would reference Council's existing Policies, Plans, and enforcement tools that apply to foreshore management and Council's obligations under State and Federal laws. See Attachment C for examples.

The overall management plan would be preceded and influenced by a comprehensive survey of the ecological features of the entire foreshore system, including fauna and flora of significance. We are aware that Council intends to engage consultants to prepare lists of weeds, fauna and flora. We respect the skills of Alluvium Consulting Australia Pty Ltd and Wild Environmental, we wonder how comprehensive this survey can be with only maximum 3 months to do so, especially when that time period cannot include the migratory species.

The Littoral Rainforest and Coastal Vine Thickets of Eastern Australia ecological community is rated nationally as Critically Endangered. Given the small area remaining, all sites that meet the criteria for the listed community should be considered habitat critical to the survival of the ecological community. DSSG is of the view the National Recovery Plan for the Littoral Rainforest and Coastal Vine Thickets of Eastern Australia must be a cornerstone of any Douglas Shire Council Foreshore Management Plan. See Attachment A for more information.

In accordance with Council's stewardship obligations, the overall plan would seek to balance conservation with recreational use.

Individual site plans would then capture and plan for issues specific to each site, noting that the interests of individual residents in each area must be balanced with Councils overall obligations.

Why are not all foreshore areas included?

We are concerned that foreshore development plans will be made for only five foreshore sites. Important foreshore areas north of the Daintree River, Wangetti Beach and other smaller areas like Pretty Beach, Pebbly Beach and Yule Point, for example have not been included.

DSSG is aware that in October 2020, Council achieved funding from the State Government through the Reef Assist program. We understand this funding is targeted for regions most economically impacted by Covid-19, including Douglas Shire. According to the Reef Assist web page, Douglas Shire was awarded the funding to "rehabilitate dunes in the area to improve their resilience to natural disasters such as flooding and cyclones".

We note the Council's Resilient Coast Strategic Plan, where all the beaches proposed as sites to benefit from this funding, are currently identified as in need of mitigation strategies including to minimise dune disturbance, remove weeds, and native re-vegetation. That plan identifies these strategies as a priority for action by Council.

DSSG is very supportive of these strategies, and notes that fencing off revegetated areas and informal access points will be necessary to aid compliance.

We note these five beach areas are also the most heavily impacted by damaging activity such as unauthorised clearing, inappropriate planting, random access paths, vehicles on beaches, littering, illegal camping, fires, erosion and uncontrolled domestic animals.

We assume this is why the focus has been placed on these five foreshore areas. We hope that the focus can be extended to other areas.

Consultation

We note that consultation on the Foreshore Management Plans is to be done largely by way of electronic survey of residents. DSSG is of the view that this is a flawed process, not least for the reason that not every resident can access electronic surveys. In addition, the survey questions appear to be slanted and canvas views on issues that are counter to conservation, and counter to public access and enjoyment, for example that a clear view of the beach without vegetation might be a desirable attribute, or that private showers or dining tables should be allowed within the foreshore zone.

In addition, residents of specific beaches are encouraged to complete a survey for 'their' beach. This fragments the community and potentially causes division and breakdown of community cohesion in the Shire.

We are disappointed that consultation period is extremely short, especially since the grant for development of the plans was secured in October 2020.

Enforcement

DSSG has written to Council on several occasions about damage to our foreshore areas. We note that enforcement has, to date, been inadequate.

We are of the view that without enforcement, any future Foreshore Plan will fail in the longer term. Council already has a suite of plans, strategies and laws that could be employed to assist with foreshore management, however enforcement is weak and inconsistent.

DSSG repeats our call for the adoption of a Council enforcement policy. This will serve as a guide for residents, visitors and staff as to what to expect when laws are breached.

Community Education

Community education aids compliance. It is our view that many people living in Douglas do not understand how their actions cause lasting damage to our precious environment. Similarly, visitors may not appreciate the fragility of our Littoral Forest, or the measures required to protect them.

DSSG calls for community education on the environmental protection of our foreshore areas, and for adequate signage at sites. We also recommend that images and videos be uploaded by Council to its web site and social media platforms, showing the damage that clearing and other destructive activities does to our foreshores.

We have completed individual survey responses, however assuming the scope for inclusion of detailed comments is limited; we have provided this detailed comment for your assistance. We have many photos of foreshore damage and degradation from our members and can provide those if required. We will post this communication and images on our social media sites and email to our members. Please advise if we can provide more information.

Yours faithfully



Didge McDonald
President

WHAT IS LITTORAL FOREST AND WHY IS IT IMPORTANT?

The Littoral Rainforest and Coastal Vine Thickets of Eastern Australia Ecological Community occurs along the east coast of Australia, from near Cooktown in Queensland to Gippsland Lakes in Victoria. It is listed as Critically Endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), as its distribution has been reduced and severely fragmented due to land clearing from coastal development, sand mining and agriculture. The ecological community continues to be threatened by land clearance and development, weed invasion, recreational disturbance, animal browsing/grazing and fire.

The Littoral Rainforest and Coastal Vine Thickets of Eastern Australia ecological community is rated nationally as Critically Endangered. Given the small area remaining, all sites that meet the criteria for the listed community should be considered habitat critical to the survival of the ecological community.

From an ecological perspective, derived native vegetation structures (or patches on the pathway of succession towards Littoral Rainforest) may also be habitat critical to survival of the ecological community, if they adjoin, buffer or connect high integrity remnants, provide habitat critical for functionally important or threatened species, expand the potential habitat available to some species, or have good potential for restoration.

The recovery plan¹ which is made under the *Environment Protection and Biodiversity Conservation Act 1999*, states that a high priority action is to develop and implement a framework for protection and management of the littoral forest and avoid all potential impacts and threats, undertake compliance and enforcement and activities.

Littoral Rainforest was listed as Critically Endangered because its geographic distribution is severely fragmented and primarily consists of numerous small and disjunct patches, there are demonstrable threats impacting upon it and there have been very severe reductions in the integrity of the ecological community.

- The ecological community occurs in the following IBRA bioregions: Cape York Peninsula (from Princess Charlotte Bay southwards), Wet Tropics, Central Mackay Coast, South Eastern Queensland, New South Wales North Coast, Sydney Basin and South East Corner.
- Patches of the ecological community occur within two kilometres of the east coast, including offshore islands, or adjacent to a large body of salt water, such as an estuary, where they are subject to maritime influence.

The structure of the ecological community typically is a closed canopy of trees that can be interspersed with canopy gaps that are common in exposed situations or with storm events. Usually, several vegetation strata are present. The unifying feature of Littoral Rainforest is the adaptation of the rainforest and vine thicket community to the often harsh coastal environments through adaption to the saline conditions delivered via salt-laden winds, saline water tables and occasional inundation.

Key Threats

¹ [National Recovery Plan for the Littoral Rainforest and Coastal Vine Thickets of Eastern Australia Ecological Community | Department of Agriculture, Water and the Environment](#)

The key historic and ongoing threat to Littoral Rainforest is coastal development and, given its distribution, Littoral Rainforest is also highly susceptible to the interacting effects of climate change and sea level rise, both of which exacerbate the existing threats of habitat fragmentation and invasion by transformer weeds (Lavorel et al. 2015). Littoral Rainforest also continues to be reduced and fragmented by land clearance, weed invasion, recreational disturbance, animal browsing/grazing, fire and natural disturbance.

Urban development

The principal threat to the biodiversity of Littoral Rainforest is the further loss and fragmentation of habitat likely to result from ongoing coastal development, with urban development recognised as a key pressure on Australia's coastal environment. In addition to the direct impacts of land clearing, coastal development can also result in a wide range of other indirect impacts to Littoral Rainforest, such as increased weed invasion, dumping of garden waste and other rubbish, pollution and disturbance to native fauna from domestic pets (BAAM 2013).

Tourism and visitor disturbance

Visitor disturbance in conservation areas includes soil compaction and disturbance, erosion from foot, cycle, trail bike and four wheel drive tracks, the introduction of pests and the creation of new planned and unplanned tracks. Increased visitation results in increased demand for and use of visitor facilities, such as walking tracks, viewing platforms, toilet blocks and picnic areas, many of which are located in Littoral Rainforest patches because of their attractive landscape features (shade, open understorey and proximity to the sea). These impacts hinder the recruitment of key canopy species, slowing regeneration rates and facilitating establishment of weeds. Other impacts include the dumping of cars; rubbish; and garden waste, which has the potential to cause weed infestation.

Climate change

Another significant threat is climate change, which has the capacity to augment the detrimental effect of natural disturbances and other threats, including fire and invasive weeds. As a result of climate change, the following changes are likely to impact Littoral Rainforest: rising sea levels; increased rainfall variability; and increased frequency of severe weather events which are projected to lead to major coastal erosion events, storm surges and saline inundation.

Given its coastal location, sea level rise is of particular concern for Littoral Rainforest, as it will expose the ecological community to increased inundation and disturbance and is likely to result in increased habitat fragmentation and create opportunities for further weed invasion.

Weed invasion

Due to its naturally fragmented distribution, Littoral Rainforest is susceptible to weed invasion, which is further exacerbated by natural and human-induced disturbances.

For example, an assessment of littoral forest in the Wet Tropics of far north Queensland, found that exotic coconuts (*Cocos nucifera*) are a major transformer weed species and a significant threatening process to remnant forest in the littoral zone. Coconuts are highly invasive and form monocultures that compete with, and suppress recruitment and seedling development of, native littoral species. In parts of the Daintree coast, especially in the Cape Tribulation region, coconuts now occupy 80-100 percent of the littoral zone².

² [OPINION / Our Threatened Littoral Forests, and Why They are so Important | \(douglasnews.network\)](#)

INDIVIDUAL FORESHORE AREAS

Wonga Beach

DSSG has made many submissions to Council about environmental damage to Wonga beach. Of all the impacts on this sensitive area, permitting of vehicles is the most offensive. It is entirely at odds with what we see as responsible foreshore management.

Littoral forest on the northern Wet Tropics World Heritage section of Wonga Beach protects an endangered dune-swale system (a series of parallel small sand dunes with remnants of small lagoons (swales) between them). The Littoral Rainforest habitat which exists along most of Wonga Beach, is currently being extensively damaged by vehicles driving at high tide and into vegetated areas particularly at the northern end.

While Council has jurisdiction over the foreshore, the foreshore still remains part of the Great Barrier Reef Coastal Marine Park and all activities must comply with the relevant management plan.

The foreshore (low water mark) has status of a habitat protected area. The Habitat Protection Zone provides for the conservation of areas of the Great Barrier Reef Marine Park by protecting and managing sensitive habitats and ensuring they are generally free from potentially damaging activities. It is also noted that the area of beach designated for recreational use north of Giblin St is the most pristine and has the greatest environmental values.

A recent scientific study focusing specifically on the impact of low-level vehicle traffic on beaches found a significant decrease in species biodiversity and density. This negatively impacts on many species ability to survive in the face of further disturbance. There are no guidelines that will alter this basic fact. If vehicles are allowed to drive on beaches, damage to the coastal environment and ecosystem is unavoidable. Certain shorebird species require some uninterrupted rest period during the daytime. State law specifies the need for 'resting periods, closures during breeding periods and restrictions on night driving and one hour after and before dark'. None of these issues have been addressed by Council's proposal. There are no closures proposed for breeding birds such as Red-capped plovers and Beach stone curlews. No shorebirds can breed successfully with vehicles driving in the proposed driving zone.

Aside from this critical issue, Wonga Beach is suffering from unlawful clearing, including by commercial accommodation operators, and we are advised previous efforts to revegetate have been abandoned when disturbed by residents. In addition, paths and vehicle access points are being driven through the littoral forest all along the beach. These are often accompanied by uncontrolled fires, including one that burned out acres of forest this summer.

Newell Beach

Our members advise that residents do not want any additional infrastructure, but they do want a stop to illegal clearing.

Cooya Beach

Our members advise us that there is a lack of general education about protection of the foreshore at Cooya Beach. Many new residents do not understand the sensitive nature of the environment. Community education would be helpful. The foreshore is showing signs of pressure from human use and unlawful clearing to make paths etc. Our members also observe that a decent buffer zone

between the foreshore and the developments is necessary. There is also concern at uncontrolled dogs chasing protected wildlife and disturbing nesting birds.

4 mile Beach

Unfortunately, Port Douglas residents who live next to Four Mile Beach are familiar with the social problems being experienced in the area. Issues such as trespassing, theft, illegal camping, fires on the beach and in the forest, and the dumping of rubbish, cause constant problems.

The Littoral forest

One of the most iconic and ecologically significant features of the 4 mile foreshore is the many large Weeping Paperbark (*Melaleuca leucadendra*). These trees survived European settlement because their thick papery bark protected them from fires. The largest of these trees are some of the only survivors from the original pre-1877 ecosystem. These *Melaleuca* trees can still be found in the Solander Boulevard, Reef St, Langley St and Barrier St areas. The signs of fire can be seen on some of them.

The small remnant areas of the coastal foreshore especially in the areas from Solander Boulevard to the Mowbray, have started the process of regenerating back to the closed canopy littoral rainforest described by Hodgkinson in 1877.

This process of succession from a secondary to a primary ecosystem is ongoing. Now that a canopy is forming and closing over the new forest, the next generation of new species is growing as part of the succession into a primary forest. This will still take another century, or more. Most of the trees in this forest are still quite young compared to similar old growth forests such as those along the Daintree Coast. The future generation of plants are now germinating and growing under the new canopy and will, over decades, change the species composition of this remnant forest.

Some of the larger long-lived trees such as Mastwoods and Banyans, after forty years of not being burnt, are starting to grow into good-sized trees, however it will take another hundred years or so before they reach the impressive sizes that can be found in old growth littoral rainforests³.

The preservation of the littoral forest at four mile beach is critical. We note that heavy equipment has been used to harvest coconuts from palms growing in the littoral forest fringing Solander. This is a very destructive process and should be stopped immediately.

Langley Rd

DSSG has done a deep dive into the history of events leading to the destruction of several large *Melaleuca* and other trees and the associated dislocation and probable death of several creatures housed in those trees. Our review of the development approval processes for this site, dating from 2004 and including a contested approval in 2009, shows that there was greater protection afforded the vegetation and wildlife in 2009 than now. In 2009, the prospective developer was prohibited from removing most of the vegetation, and required to provide monetary surety to protect *Melaleucas* and Ant Plants in particular.

Cowrie St

Douglas Shire Council recently installed bollards at the end of Cowrie St and planned to revegetate the area in-line with the Council's Resilient Coast Strategic Plan. Unfortunately, in recent days,

³ [Environment / The regeneration of the Four Mile Beach foreshore vegetation | \(douglasnews.network\)](#)

Council workers moved the recently installed bollards into the beach esplanade area to make way for bitumen. Local residents are questioning the legalities of Douglas Shire Council building a parking lot in a wetland protection area in the Great Barrier Reef catchment area, extending Cowrie St into endangered littoral rainforest.

Barrier Street

Ongoing illegal clearing and revegetation since 2002, notably 2016, 2018, 2019 and 2020. Council attends and advises residents of illegal nature of clearing, however revegetation is always subsequently removed and paths laid - directly flaunting the laws. Council appears to be unable to deal with this.

Garrick St

Unauthorised littoral forest clearing reported to Council who referred to DNRME as Sheraton land is not jurisdiction of Council. DNRME reported they attended but could not advise us of action, if any, taken.

Four Mile Wangetti Trail

The main areas of concern are the proposal to build the trail through the mangroves at the mouth of the Mowbray and through the littoral rainforest at the southern end of the Beach. Both areas have features of high ecological significance, as identified in the GHD report prepared for the Qld Government.

Residents are concerned that pushing a wide path through the most intact example we have in Port Douglas of what is a very rare habitat, will lead to even further degradation, disturbance and exploitation of a kind already seen further north along Four Mile Beach.

Oak Beach

Our members advise us that there is a major issue with unlawful clearing of foreshore forest, even so far as to engage landscapers to put down hard stand and paths. Inappropriate planting can also be seen. There are also coconut management issues, posing hazards to beach walkers due to lack of de-nutting. Examples provided of occasional vehicle access, particularly concerning at Pebbly Beach where damage has been done to the foreshore. Pretty Beach has seen an amount of illegal camping and fires. The provision of rubbish bins at Oak Beach is helpful in limiting littering.

Wangetti Beach

DSSG acknowledges the revegetation project at Wangetti Beach which is funded through Terrain NRM's Building Rainforest Resilience project. This project includes revegetation work, a landholder incentives program, community grants, and ways to reduce cassowary deaths and injuries on roads.

COMPLEMENTARY POLICIES, PLANS AND LAWS

Corporate Sustainability Policy

Council commits to six Environmental Sustainable Principles, which are: 1. Preserve and restore the natural environment 2. Utilise resources efficiently 3. Protect and enhance biodiversity 4. Monitor and reduce Council's environmental footprint 5. Strengthen Council's resilience to climate change 6. Display strong environmental leadership

Open Spaces Policy

Includes: Open space will be developed and managed in response to contemporary environmental values and conditions, community aspirations and economic considerations and must remain viable in the long term.

Vegetation on Council Controlled Land

Residents may only plant vegetation within the road verge area, the area between the property boundary line and the kerb, or the edge of pavement in areas without a kerb if written approval is obtained from council.

Prior to removal or pruning of vegetation on Council controlled land, a person must have written approval from Council. Should vegetation be removed without obtaining the written consent of Council penalties may apply.

Revegetation Action Plan 4 mile beach 2015

The document complies with Council's responsibility to manage the site according to the Queensland Coastal Plan which aims to protect native vegetation on coastal land. Douglas Shire Council is the trustee of the esplanade and adjacent coastal lands and is responsible for management of these natural areas.

Coconut Management Policy

Newell Beach Dune Management Plan 2000

Illegal Dumping Strategy

The Douglas Shire Council has committed to good environmental stewardship and community leadership through its Corporate and Operational Plans and is committed to a 'zero tolerance' approach to litter and illegal dumping.

Resilient Coast Strategic Plan

All the above beaches are currently identified as in need of mitigation strategies including as a priority, to minimise dune disturbance, remove weeds, native revegetation.

Douglas Planning Scheme

Including Coastal Environment Overlay Code and Coastal Communities local plan Code which requires inter alia, 'protect environmentally sensitive coastal areas and coastal processes from the detrimental impacts associated with urban development'. Specifically, at Wonga Beach - The line of foreshore vegetation along the eastern side of the precinct, including the foreshore coconut palms, is retained and development is setback to avoid damage to the vegetation.

Local Laws

Prohibit planting, clearing or damaging of vegetation in a local government controlled area or on a road, lighting of fires in the open, driving a motor vehicle on local government controlled area that is not a motor vehicle access area.

[Queensland Government Coastal Management Plan Coastal Management Plan | Environment, land and water | Queensland Government \(www.qld.gov.au\)](#)

Commonwealth Government Environmental Protection Regulation 2008

Wetlands of high ecological significance (HES) identify areas where policies apply under the State Planning Policy 4/11: Protecting Wetlands of High Ecological Significance in Great Barrier Reef Catchments.

Identification of HES wetlands within the Great Barrier Reef catchments has been determined using the Department of Environment and Resource Management's (DERM) rigorous Aquatic Biodiversity Assessment and Mapping Methodology (AquaBAMM). Wetland protection areas, which are defined under the Environmental Protection Regulation 2008, include HES wetlands and a surrounding policy trigger area of up to 100 metres in urban areas and up to 500 metres outside of urban areas.

[Wetland protection area - high ecological significance wetland - Datasets - data.gov.au](#)